



CJIS 3194

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

JUL 8 2013

TIM RHODES  
COURT CLERK

32.

MARGARET FOWLER,

Plaintiff,

vs.

Case No.

**CJ-2013-3794**

METROPOLITAN PROPERTY & CASUALTY  
INSURANCE COMPANY d/b/a METLIFE  
AUTO and HOME, a foreign Insurance  
Company,

Defendant.

**THOMAS E. PRINCE**

PETITION

COMES NOW the Plaintiff, Margaret Fowler, and for her causes of action against the Defendant, Metropolitan Property & Casualty Insurance Company d/b/a MetLife Auto and Home ("MetLife"), a foreign insurance company, alleges and states:

1. That the Plaintiff, Margaret Fowler, resides in Oklahoma County, State of Oklahoma.
2. That Defendant, MetLife, is a foreign insurance Company, existing under the laws of a state other than Oklahoma, but is licensed to conduct the business of insurance within the State of Oklahoma.
3. That on or about the 15<sup>th</sup> day of January, 2012, the Plaintiff, Margaret Fowler, was involved in an automobile accident at or near the intersection of S. Cromwell and Poplar Ave. in Yukon, Oklahoma.
4. That Plaintiff, Margaret Fowler, had medical payments coverage through Defendant, under policy number 0481750000, in the amount of Fifty Thousand and no/100 Dollars (\$50,000.00).

EXHIBIT

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5. That, to date, Plaintiff, Margaret Fowler, has incurred medical bills due to the above-mentioned automobile accident, totaling Twenty-Nine Thousand Eight-Hundred Thirty-Six and 38/100 (\$29,836.38).
6. That, to date, Defendant, MetLife, has distributed approximately Seven Thousand Three Hundred Ten Dollars and no/100 (\$7,310.00), and wrongfully refuses to make any further payments under the medical payment coverage of Plaintiff's policy.
7. That Defendant has breached the insurance policy in question, failed to act in good faith with its insured (thereby acting in bad faith), violated Oklahoma statutes with regard to claim handling, and negligently handled this claim.
8. That Defendant, MetLife, by and through their representatives in question have breached the insurance contract in question. The breaches of the contract include, but are not limited to, the following:
  - a. Failing to pay benefits properly due;
  - b. Failing to properly investigate this claim;
  - c. Failing to timely investigate this claim;
  - d. Violating Oklahoma law in the handling of this claim;
  - e. Failing to review documents properly submitted;
  - f. Failing to handle this claim in good faith as required by law;
  - g. Violating Oklahoma statutes with regard to the handling of this claim and specifically violating the Fair Claims Practices Act.
9. Plaintiff has been damaged by the wrongful acts of the Defendant.
10. The Defendant, MetLife, failed to act in good faith in handling this claim and have thereby acted in bad faith. As a result thereof, Plaintiff is entitled to actual and punitive damages.
11. As a direct and proximate result of Defendant's negligence, the Plaintiff, Margaret Fowler, has experienced pain, suffering and mental anguish. The

Plaintiff may, in the future, experience further pain, suffering and mental anguish.

12. By reason of the above and foregoing, the Plaintiff, Margaret Fowler, has been damaged in the sum in excess of Twenty-Five Thousand and No/100 Dollars (\$25,000.00) for said injuries.

**WHEREFORE**, all premises considered, the Plaintiff, Margaret Fowler, prays for judgment against Defendant, Metropolitan Property & Casualty Insurance Company d/b/a Metlife Auto and Home, in an amount in excess of Twenty-Five Thousand and no/100 (\$25,000.00), plus attorney fees, interest, costs and for such other and further relief to which this Court deems Plaintiff is entitled.

HOLLOWAY DOBSON & BACHMAN  
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By: 

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ATTORNEYS FOR PLAINTIFF

**JURY TRIAL DEMANDED  
ATTORNEY LIEN CLAIMED**